

I am unable to approve the item designated as Section 39, in its entirety. This section would greatly expand the number of employees who would be brought under special IPERS retirement provisions. The 1988 legislature directed the Department of Personnel and the Department of Corrections to jointly determine specific job classes to be covered by the correctional officer special protective occupation retirement provisions.

This provision would supersede the actions taken in response to that legislation by changing the definition of a correctional officer for the purposes of chapter 97B to include any employee whose primary purpose is to provide security within a correctional facility. Under current law, the definition of correctional officer is limited to persons who have direct inmate contact and who enforce and maintain discipline, safety and security within a correctional facility. This expansion of special retirement provisions would include employees who do not have direct inmate contact, possibly including management positions, and could lead to inequitable and inconsistent determinations for special retirement coverage.

For the above reasons, I hereby respectfully disapprove these items in accordance with Amendment IV of the Amendments of 1968 to the Constitution of the State of Iowa. All other items in Senate File 2280 are hereby approved as of this date.

Sincerely,
TERRY E. BRANSTAD, *Governor*

CHAPTER 1267

**APPROPRIATIONS AND PROVISIONS RELATING TO PUBLIC DEFENSE,
PUBLIC SAFETY, TRANSPORTATION, AND ENFORCEMENT**

S.F. 2402

AN ACT relating to and making appropriations to state agencies whose responsibilities relate to public defense, public safety, transportation, and enforcement, and including allocation and use of moneys from the road use tax fund, primary road fund, and state aviation fund, mandating reports of certain agency purchases, providing expenses for certain members of the Iowa highway research board, providing for certain payments from the remedial account of the Iowa comprehensive petroleum underground storage tank fund, and providing an effective date.

Be It Enacted by the General Assembly of the State of Iowa:

IOWA LAW ENFORCEMENT ACADEMY

Section 1.

There is appropriated from the general fund of the state to the Iowa law enforcement academy for the fiscal year beginning July 1, 1990, and ending June 30, 1991, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

1. For salaries, support, maintenance, miscellaneous purposes, including jailer training and technical assistance, and for not more than the following full-time equivalent positions:

.....	\$	953,617
.....	FTEs	29.7

*2. For replacement of inefficient and outdated sanitary and maintenance equipment:
 \$ 12,000*

DEPARTMENT OF PUBLIC DEFENSE

Sec. 2.

There is appropriated from the general fund of the state to the department of public defense for the fiscal year beginning July 1, 1990, and ending June 30, 1991, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. MILITARY DIVISION

For salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

..... \$ 3,508,957
 FTEs 151.59

As a condition, limitation, and qualification of this appropriation, \$60,000 of this appropriation shall be used for establishment of a maintenance detachment in Clarke county.

2. DISASTER SERVICES DIVISION

For salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

..... \$ 307,271
 FTEs 12

3. VETERANS AFFAIRS DIVISION

a. For salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

..... \$ 143,934
 FTEs 4.16

As a condition, limitation, and qualification of the appropriation in this paragraph, \$10,000 shall be used for the purchase of POW/MIA flags.

4. WAR ORPHANS

For the war orphans educational aid fund:

..... \$ 10,185

DEPARTMENT OF PUBLIC SAFETY

Sec. 3.

There is appropriated from the general fund of the state to the department of public safety for the fiscal year beginning July 1, 1990, and ending June 30, 1991, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. For the department's administrative functions including the medical examiner's office and the criminal justice information system, and for not more than the following full-time equivalent positions:

..... \$ 2,510,622
 FTEs 51.50

2. a. For purposes relating to radio communications, and not more than the following full-time equivalent positions:

..... \$ 3,227,667
 FTEs 80

b. For purchase of service monitors and radio spare parts:

..... \$ 25,000

3. a. For the division of criminal investigation and bureau of identification containing the bureaus of identification and liquor law enforcement, and for river boat gambling enforcement,

*Item veto; see message at end of the Act

including the state's contribution to the peace officers' retirement, accident, and disability system provided in chapter 97A in the amount of 16 percent of the salaries for which the funds are appropriated, and for not more than the following full-time equivalent positions:

.....	\$	6,534,828
.....	FTEs	136

*b. For purchase of DNA laboratory equipment:

.....	\$	75,000
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The department of public safety shall prepare a status report for the legislative fiscal committee, the transportation and safety appropriations subcommittee, and the legislative fiscal bureau, on or before November 1, 1990, which details the actual and planned expenditures from the appropriation made in this paragraph.*

c. For the law enforcement intelligence network program, to be used in consultation with the law enforcement intelligence network advisory committee:

.....	\$	10,000
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As a condition, limitation, and qualification of this appropriation, the division of criminal investigation shall commit sufficient resources to conduct 4 undercover operations in cooperation with local law enforcement agencies to identify the extent of bootlegging or illegal liquor operations at state border counties and shall report on the undercover operations to the committee by January 1, 1991.

4. For the division of narcotics:

a. The state's contribution to the peace officers' retirement, accident, and disability system provided in chapter 97A in the amount of 16 percent of the salaries for which the funds are appropriated, and for not more than the following full-time equivalent positions:

.....	\$	2,243,579
.....	FTEs	38

b. Undercover purchases:

.....	\$	200,000
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5. a. For the fire marshal's office, including the state's contribution to the peace officers' retirement, accident, and disability system provided in chapter 97A in the amount of 16 percent of the salaries for which the funds are appropriated, and for not more than the following full-time equivalent positions:

.....	\$	1,560,379
.....	FTEs	33

b. For a regional firefighters' training center in Black Hawk county:

.....	\$	25,000
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6. For the capitol security division, and for not more than the following full-time equivalent positions:

.....	\$	1,219,281
.....	FTEs	36

*7. For funding the department's administrative functions to implement the accreditation for law enforcement agencies:

.....	\$	25,000*
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Sec. 4.

Notwithstanding sections 99D.17 and 99D.18, there is appropriated from funds paid to the state racing and gaming commission pursuant to section 99D.14, to the department of public safety for the fiscal year beginning July 1, 1990, and ending June 30, 1991, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For salaries, support, maintenance, and miscellaneous purposes of the pari-mutuel law enforcement agents, including the state's contribution to the peace officers' retirement, accident, and disability system provided in chapter 97A in the amount of 16 percent of the salaries for which the funds are appropriated, and for not more than the following full-time equivalent positions:

.....	\$	281,970
.....	FTEs	5

*Item veto; see message at end of the Act

The unfunded liability of the peace officers' retirement, accident, and disability system, as of July 1, 1989, is not a liability of funds paid to the state racing and gaming commission under section 99D.14.

Sec. 5.

There is appropriated from the general fund of the state to the department of public safety for the fiscal year beginning July 1, 1990, and ending June 30, 1991, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

For the continued purchase of the automated fingerprint information system (AFIS):
..... \$ 536,676

Sec. 6.

There is appropriated from the road use tax fund to the department of public safety, division of highway safety and uniformed force, for the fiscal year beginning July 1, 1990, and ending June 30, 1991, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. For salaries, support, maintenance, and miscellaneous purposes, including the state's contribution to the peace officers' retirement, accident, and disability system provided in chapter 97A in the amount of 16 percent of the salaries for which the funds are appropriated, and for not more than the following full-time equivalent positions:

..... \$ 23,568,231
..... FTEs 450.5

It is the intent of the general assembly, that so much as is necessary of the appropriation in this subsection, shall support federal Highway Safety Act programs.

As a condition, limitation, and qualification of the appropriation in this subsection, the Iowa law enforcement academy shall be allowed to annually select at least 5 automobiles of the department of public safety, division of highway safety and uniformed force, which are being turned in to the state vehicle dispatcher to be disposed of by public auction and the Iowa law enforcement academy shall be allowed to exchange any automobile owned by the academy for each automobile selected if the selected automobile is used in training law enforcement officers at the academy; however, any automobile exchanged by the academy shall be substituted for the selected vehicle of the department of public safety and sold by public auction with the receipts being deposited in the depreciation fund to the credit of the department of public safety, division of highway safety and uniformed force.

The unfunded liability of the peace officers' retirement, accident, and disability system, under chapter 97A is not a liability of the road use tax fund as of July 1, 1986.

An employee of the department of public safety or its successor who retires after the effective date of this section of this Act but prior to June 30, 1991, is eligible for payment of life or health insurance premiums as provided for in the collective bargaining agreement covering the public safety bargaining unit at the time of retirement if that employee previously served in a position which would have been covered by the agreement. The employee shall be given credit for the service in that prior position as though it were covered by that agreement. This section shall not operate to reduce any retirement benefits an employee may have earned under other collective bargaining agreements or retirement programs.

*2. For lease/purchase of a building and equipment related to vehicle theft operations but not to include normal highway patrol equipment:

..... \$ 350,000

Notwithstanding section 8.39, funds from this appropriation shall not be transferred for any other purpose.*

3. For the capital purchase of mobile vehicle repeater radios and test equipment to be used by the Iowa highway safety patrol:

..... \$ 150,000

4. For the purchase of radar units:

..... \$ 133,334

*Item veto: see message at end of the Act

It is the intent of the general assembly that an additional \$200,000 will be appropriated for the fiscal year beginning July 1, 1991, to complete the purchase of radar units.

5. For payments to the department of personnel for expenses incurred in administering workers' compensation on behalf of the highway safety division of highway safety and uniformed force:

..... \$ 180,000

6. For payments to the department of personnel for expenses incurred in administering the merit system on behalf of the highway safety division of highway safety and uniformed force:

..... \$ 95,274

*7. For planning and site selection of a new Fort Dogde highway patrol post:

..... \$ 25,000*

8. For the purchase of scanners:

..... \$ 30,000

9. For the purchase of a new office facility as a law enforcement headquarters for the department:

..... \$ 220,000

Proceeds from the sale of any existing facility shall be deposited in the road use tax fund.

Sec. 7.

There is appropriated from use tax receipts collected under chapter 423 prior to deposit in the road use tax fund, to the department of public safety, for the fiscal year beginning July 1, 1990, and ending June 30, 1991, the following amount, or so much thereof as may be necessary, to be used for the purpose designated:

For the purchase of automated fingerprint information system local remote terminals:

..... \$ 279,800

It is the intent of the general assembly that moneys shall be appropriated from the general fund of the state for the fiscal year beginning July 1, 1991, and ending June 30, 1992, for costs associated with the automated fingerprint information system local remote terminals.

STATE DEPARTMENT OF TRANSPORTATION

Sec. 8.

There is appropriated from the road use tax fund to the department of transportation for the fiscal year beginning July 1, 1990, and ending June 30, 1991, the following amount, or so much thereof as is necessary, for the purpose designated:

For the payment of costs associated with the production of motor vehicle licenses, as defined in section 321.1, subsection 77:

..... \$ 500,000

Notwithstanding section 8.39, funds from this appropriation shall not be transferred for any other purpose.

Sec. 9.

There is appropriated from the road use tax fund to the state department of transportation for the fiscal year beginning July 1, 1990, and ending June 30, 1991, the following amounts, or so much thereof as may be necessary, to be used for the purposes designated:

1. For salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

a. Administrative services:

..... \$ 3,353,787

..... FTEs 47.50

(1) To address environmental issues and to meet the international fuel tax:

..... \$ 9,400

(2) For increased postage costs:

..... \$ 14,000

*Item veto; see message at end of the Act

(3) For the purchase of computer hardware and software enhancements:	\$	55,000
(4) For the lease on the Park Fair mall facility:	\$	24,500
b. General counsel:	\$	167,860
	FTEs	1.0
c. Planning and research:	\$	333,300
	FTEs	9
(1) For the implementation of a traffic monitoring guide:	\$	4,805
(2) For assessment of hazardous materials at highway location sites:	\$	2,350
d. Aeronautics and public transit:	\$	222,300
	FTEs	5
e. Motor vehicles:	\$	17,180,165
	FTEs	541
(1) For additional motor carrier service operations due to an increase in services:	\$	139,800
(2) For implementation of the commercial driver license program:	\$	431,040
f. Rail and water:	\$	705,900
	FTEs	15

As a condition, limitation, and qualification of the appropriation in this paragraph, \$50,000, or so much thereof as is necessary, shall be used to conduct a demonstration study to assess the economic and technical feasibility of establishing an intermodal transportation facility at or near a location on the Mississippi river that has access to year-round navigation. The demonstration study shall be conducted by a regional planning agency. The department shall coordinate the demonstration study with the department of economic development and shall report to the general assembly, not later than March 31, 1991, on the outcome of the study, on the applicability of integrating intermodal transportation analysis into regional economic development studies, and on the contribution that regional planning can make to statewide planning.

2. To be used to implement section 306D.3:

	\$	500,000
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Notwithstanding section 8.33, the funds appropriated in this subsection shall remain available for obligation until June 30, 1992, and once obligated shall remain available until expended. Public or private entities willing to donate land for scenic highway projects shall be given preference in project selection if the land is accepted by the department.

3. For payments to the department of personnel for expenses incurred in administering the merit system on behalf of the state department of transportation, as required by chapter 19A:

	\$	39,000
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4. Unemployment compensation:

	\$	12,250
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Sec. 10.

There is appropriated from the road use tax fund to the department of personnel for the fiscal year beginning July 1, 1990, and ending June 30, 1991, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For paying workers' compensation claims under chapter 85 on behalf of employees of the state department of transportation:

	\$	75,000
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Sec. 11.

There is appropriated from the primary road fund to the state department of transportation for the fiscal year beginning July 1, 1990, and ending June 30, 1991, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. For salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

a. Administrative services:

.....	\$	20,597,213
.....	FTEs	293

(1) To address environmental issues and to meet the international fuel tax:

.....	\$	57,600
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(2) For increased postage costs:

.....	\$	86,000
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(3) For the purchase of computer hardware and software enhancements:

.....	\$	645,000
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(4) For lease of the Park Fair mall facility:

.....	\$	150,500
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b. General counsel:

.....	\$	1,031,140
.....	FTEs	7

c. Planning and research:

.....	\$	6,332,700
.....	FTEs	165

(1) For the implementation of the traffic monitoring guide:

.....	\$	91,295
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(2) For assessment of hazardous materials at highway location sites:

.....	\$	44,650
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d. Aeronautics and public transit:

.....	\$	222,300
.....	FTEs	5

e. Highways:

.....	\$	129,749,966
.....	FTEs	2,889

(1) For the implementation of the roadside vegetation management program:

.....	\$	215,000
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(2) For increased design workload on commercial network improvements:

.....	\$	202,000
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(3) For parcel acquisition:

.....	\$	306,000
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f. Motor vehicles:

.....	\$	693,835
.....	FTEs	22

(1) For additional motor carrier service operations due to an increase in services:

.....	\$	5,825
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(2) For implementation of the commercial driver license program:

.....	\$	17,960
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g. Rail and water:

.....	\$	281,100
.....	FTEs	7

2. For deposit in the state department of transportation's highway materials and equipment revolving fund established by section 307.47 for funding the increased replacement cost of vehicles:

.....	\$	1,750,000
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As a condition, limitation, and qualification of this appropriation, no more than \$2,603,034 from the highway materials and equipment revolving fund, plus an allocation for salary adjustment, may be expended for salaries and benefits for not more than 92 full-time equivalent positions.

3. For payments to the department of personnel for expenses incurred in administering the merit system on behalf of the state department of transportation, as required by chapter 19A: \$ 741,000

4. Unemployment compensation: \$ 232,750

Sec. 12.

There is appropriated from the primary road fund to the department of personnel for the fiscal year beginning July 1, 1990, and ending June 30, 1991, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For paying workers' compensation claims under chapter 85 on behalf of the employees of the state department of transportation: \$ 1,425,000

Sec. 13.

There is appropriated from the primary road fund to the state department of transportation for the fiscal year beginning July 1, 1990, and ending June 30, 1991, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

For replacement of obsolete field facilities in the cities of Ida Grove, Knoxville, Spencer, Grundy Center and Carroll: \$ 3,700,000

As a condition, limitation, and qualification of the appropriation in this section, the allocation for the Carroll facility is contingent upon the execution of an agreement by the department of transportation and the city of Carroll mutually agreeing to the conditions of disposition of the department of transportation's current facility site to the city of Carroll.

The provisions of section 8.33 do not apply to the funds appropriated by this section but remain available for expenditure for the purposes designated until June 30, 1994. Unencumbered or unobligated funds remaining on June 30, 1994, from funds appropriated for the fiscal year beginning July 1, 1990, shall revert to the fund from which appropriated on August 30, 1994.

Sec. 14.

There is appropriated from the road use tax fund to the department of transportation for the fiscal year beginning July 1, 1990, and ending June 30, 1991, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. For the construction of scale facilities at Agency: \$ 50,000

2. For the paving of the scale lots at Agency, Charles City, Muscatine and Mechanicsville: \$ 250,000

The provisions of section 8.33 do not apply to the funds appropriated by this section but remain available for expenditure for the purposes designated until June 30, 1993. Unencumbered or unobligated funds remaining on June 30, 1993, from funds appropriated for the fiscal year beginning July 1, 1990, shall revert to the fund from which appropriated on August 30, 1993.

Sec. 15.

There is appropriated from the state aviation fund to the state department of transportation for the fiscal year beginning July 1, 1990, and ending June 30, 1991, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. For salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	410,400
.....	FTEs	9

*2. For terminal improvement or construction, to implement marketing, advertising, or public relations programs, and for nonprofit community, cultural programs to increase passenger traffic at the following essential air service airports:

a. Burlington

.....	\$	7,000
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b. Clinton

.....	\$	38,000
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c. Fort Dodge

.....	\$	35,000
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d. Ottumwa

.....	\$	100,000
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e. Waterloo

.....	\$	70,000*
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*Sec. 16.

There is appropriated from the moneys allocated under section 312.2, subsection 5, to the primary road fund for the fiscal year beginning July 1, 1990, and ending June 30, 1991, for the express purpose of carrying out section 307A.2, subsection 11, for completion of the North Shore Drive at Clear Lake:

.....	\$	175,000*
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*Sec. 17.

Moneys appropriated in this Act for any new program or function shall be used solely for that program or function and moneys shall not be transferred from that appropriation or used for any other purpose.*

Sec. 18.

The department of public safety shall notify the legislative fiscal bureau, department of management, the chairpersons, vice chairpersons, and ranking members of the joint transportation and safety appropriation subcommittee, on any request for, approval of, or notification of award of federal funds or of any loss of federal funds. The notification shall include the name of the funding grant, planned expenditures, and estimated amount which will be received. The department shall also prepare a report at the end of each fiscal year detailing the amount received, amount expended, and carry over balance on all nonappropriated receipts, including federal funds, received during that fiscal year.

Sec. 19.

The Iowa highway research board may conduct an experimental roadway paving project using recycled rubber in hot asphalt concrete. The materials shall be applied by a company with experience in the use of recycled tire rubber.

Sec. 20. RULES VALID.

The administrative rules adopted by the state fire marshal pursuant to 1986 Iowa Acts, chapter 1246, section 206, subsection 2, are valid.

*Sec. 21.

Notwithstanding the manual on uniform traffic control devices for streets and highways, the state department of transportation shall adopt rules regulating travel in the left-hand lane of uphill traffic lanes by posting signs which shall state "KEEP RIGHT EXCEPT TO PASS".*

*Sec. 22.

The state department of transportation shall contact other states' transportation departments for the purpose of initiating a lawsuit in conjunction with the other states, to seek an

*Item veto; see message at end of the Act

*injunction to prevent the United States department of transportation from impounding the states' portions of the federal gas tax.**

Sec. 23.

Notwithstanding section 8.33, funds appropriated under 1989 Iowa Acts, chapter 317, section 19, subsection 2, shall not revert until after October 1, 1990, and shall remain available for expenditure until such date.

Sec. 24. Section 29A.33, Code 1989, is amended to read as follows:

29A.33 PER CAPITA ALLOWANCE TO UNIT.

Each unit of the national guard showing attendance and actual drill of those present for such drills as are prescribed in compliance with the National Defense Act or its amendments and such regulations as prescribed by the secretary of defense, shall receive an annual allowance for military purposes, in the sum of ~~ten~~ five dollars per capita, to be paid in semiannual installments on the basis of ~~five dollars two dollars and fifty cents~~ per capita. For the purpose of computing each semiannual installment the per capita strength shall be the average enlisted strength of the unit, for that semiannual period, however, if the average attendance of any unit during any semiannual period falls below fifty percent of the average enlisted strength of such unit in that period, the allowance shall not be paid for that period. The semiannual periods shall begin January 1 and July 1. The allowance shall be paid from the funds appropriated for the support and maintenance of the national guard, and the adjutant general shall prescribe regulations requiring an itemized statement of the allowance and governing its expenditure. The allowance shall be used for morale purposes and for the welfare of the troops. The allowance shall not be used to purchase an alcoholic beverage or beer.

Sec. 25. NEW SECTION. 80B.11B EXAMINATION FEES — TRAINING COST.

1. Notwithstanding section 80B.11, subsection 5, not more than one-half of the cost of providing cognitive and psychological examinations of law enforcement officer candidates may be charged for taking the examinations by the Iowa law enforcement academy.

2. The Iowa law enforcement academy may also charge not more than one-half of the cost of providing the basic training course which is designed to meet the minimum basic training requirements for a law enforcement officer.

Sec. 26. Section 103A.8, subsection 1, Code 1989, is amended to read as follows:

1. Provide uniform standards and requirements for construction, construction materials, and equipment through the adoption by reference of applicable national codes where appropriate and providing exceptions when necessary. The rules adopted shall include provisions imposing requirements reasonably consistent with or identical to recognized and accepted standards contained in performance criteria ~~as developed by nationally recognized model codes such as the model codes prepared by the Building Officials Conference of America, the International Conference of Building Officials, the Southern Building Codes Congress, the National Fire Protection Association, the American National Standards Institute, the American Insurance Association, the United States Department of Housing and Urban Development, the American Standards Association, and the International Association of Plumbing and Mechanical Officials.~~

Sec. 27. Section 135C.2, subsection 5, paragraph b, Code Supplement 1989, is amended by striking the paragraph and inserting in lieu thereof the following:

b. A facility must be located in an area zoned for single or multiple-family housing and must be constructed in compliance with applicable local housing codes and the rules adopted for the special classification by the state fire marshal in accordance with the concept of the least restrictive environment for the facility residents. The rules adopted by the state fire marshal for the special classification shall be no more restrictive than the rules adopted by the state fire marshal for demonstration waiver project facilities pursuant to 1986 Iowa Acts, chapter 1246, section 206, subsection 2.

Sec. 28. Section 307D.6, Code Supplement 1989, is amended to read as follows:

*Item veto; see message at end of the Act

307D.6 MEETINGS OF THE BOARD — EXPENSES.

The board shall meet at least six times each year and shall hold special meetings on the call of the chairperson. Except as otherwise provided, the members of the board shall serve without additional compensation to the salary and expenses authorized for the office or position held by the member. Members representing political subdivisions who are not elected officials shall receive forty dollars per diem and necessary and actual expenses incurred in the performance of their duties from the funds appropriated to the department from the primary road fund. Legislative members shall be paid for their actual and necessary expenses and, when the general assembly is not in session, per diem as provided in sections 2.10 and 2.12. The department's members of the board shall be reimbursed for their actual and necessary expenses from the funds appropriated pursuant to section 313.5.

Sec. 29. Section 309.10, unnumbered paragraph 2, Code 1989, is amended to read as follows:

A county shall not use farm-to-market road funds as described in this section unless the total funds that the county transferred or provided during the prior fiscal year pursuant to section 331.429, subsection 1, paragraphs "a", "b", "d", and "e", are at least seventy-five percent of the maximum funds the county could have transferred in the prior fiscal year pursuant to section 331.429, subsection 1, paragraphs "a" and "b" from the general fund of the county the dollar equivalent of a tax of sixteen and seven-eighths cents per thousand dollars of assessed value on all taxable property in the county and from the rural services fund of the county the dollar equivalent of a tax of three dollars and three-eighths cent per thousand dollars of assessed value on all taxable property not located within the corporate limits of a city in the county.

Sec. 30. Section 312.2, subsection 8, Code Supplement 1989, is amended to read as follows:

8. The treasurer of state, before making any allotments to counties under this section, shall reduce the allotment to a county for the secondary road fund by the amount by which the total funds that the county transferred or provided during the prior fiscal year under section 331.429, subsection 1, paragraphs "a", "b", "d", and "e", are less than seventy-five percent of the maximum funds that the county could have transferred in the prior fiscal year under section 331.429, subsection 1, paragraphs "a" and "b" from the general fund of the county the dollar equivalent of a tax of sixteen and seven-eighths cents per thousand dollars of assessed value on all taxable property in the county and from the rural services fund of the county the dollar equivalent of a tax of three dollars and three-eighths cent per thousand dollars of assessed value on all taxable property not located within the corporate limits of a city in the county. Funds remaining in the secondary road fund of the counties due to a reduction of allocations to counties for failure to maintain a minimum local tax effort shall be reallocated to counties that are not reduced under this subsection pursuant to the allocation provisions of section 312.3, subsection 1, based upon the needs and area of the county. Information necessary to make allocations under this subsection shall be provided by the state department of transportation or the director of the department of management upon request by the treasurer of state.

Sec. 31. Section 312.3, subsection 1, Code 1989, is amended to read as follows:

1. Apportion among the counties in the ratio that the needs of the secondary roads of each county bear to the total needs of the secondary roads of the state for each fiscal year based upon the total needs of secondary roads of the state as shown in the latest quadrennial need study report developed by the state department of transportation, and which is on record at the department, sixty seventy percent of the allocation from road use tax funds which is credited to the secondary road fund of the counties, and apportion among the counties in the ratio that the area of each county bears to the total area of the state, forty thirty percent of the allocation from road use tax funds which is credited to the secondary road fund of the counties. However, for a hold harmless period in a fiscal year each county is guaranteed a hold harmless base year amount. The amount in the secondary road fund of the counties in each fiscal year during the hold harmless period in excess of the sum of the hold harmless base period year amounts allocated to all counties shall be distributed proportionally based on the relative needs and area factors to only those counties entitled to receive more than the hold harmless base year amount.

For the purposes of this subsection:

a. "Hold harmless Base period" means the fiscal years beginning July 1, 1979 and ending June 30, 1985 three-year period ending June 30, 1989.

b. "Base year amount" means the amount of the secondary road fund of the counties received by a county for the fiscal year beginning July 1, 1977. "Local effort" means the ratio expressed as a percent of the total funds that the county transferred or provided during the base period pursuant to section 331.429, subsection 1, paragraphs "a", "b", "d", and "e", to the maximum funds the county could have transferred during the base period from the general fund of the county the dollar equivalent of a tax of sixteen and seven-eighths cents per thousand dollars of assessed value on all taxable property in the county and from the rural services fund of the county the dollar equivalent of a tax of three dollars and three-eighths cent per thousand dollars of assessed value on all taxable property not located within the corporate limits of a city in the county.

c. "Old formula amount" means the amount of moneys the county would receive if the apportionment to the county under this section was apportioned among the counties in the ratio that the needs of the secondary roads of each county bear to the total needs of the secondary roads of the state as shown by the latest quadrennial need study by the state department of transportation, and which is on record at the department, sixty percent of the allocation from road use tax funds which is credited to the secondary road fund of the counties, and apportioned among the counties in the ratio that the area of each county bears to the total area of the state, forty percent of the allocation from road use tax funds which is credited to the secondary road fund of the counties.

d. (1) The "hold harmless base year amount" for a county for the fiscal year commencing July 1, 1990, is determined by the county's local effort in accordance with the following table:

<u>LOCAL EFFORT</u>		<u>COUNTY'S</u>	<u>HOLD HARMLESS BASE YEAR AMOUNT</u>
At	but less		
least:	than:		
96%	unlimited		100% of old formula amount
92%	96%		96% of old formula amount
88%	92%		92% of old formula amount
84%	88%		88% of old formula amount
Less than 84%			\$0

(2) The "hold harmless base year amount" for a county for the fiscal year commencing July 1, 1991, and for each succeeding fiscal year, is the product of the county's hold harmless base year amount in the immediately preceding fiscal year times the sum of one plus one-half of the estimated increase in secondary road fund moneys in the fiscal year expressed as a fraction. Prior to June 30 of each year, the department shall prepare and deliver to the treasurer of state an estimate of the increase of secondary road fund moneys for the next fiscal year to be used in determining the hold harmless base year amount under this subsection.

Sec. 32. Section 312.5, Code 1989, is amended to read as follows:

312.5 DIVISION OF FARM-TO-MARKET ROAD FUNDS.

1. The road use tax funds credited to the farm-to-market road fund and federal aid secondary road funds received by the state by the treasurer of state are hereby divided as follows, and are to be known respectively as:

1 a. Need allotment farm-to-market road funds, sixty seventy percent; and

2 b. Area allotment farm-to-market road funds, forty thirty percent.

2. All farm-to-market road funds, except funds which under section 310.20 come from any county's allotment of the road use tax funds, shall be allotted among the counties by the department.

3. Area allotment farm-to-market road funds and federal aid secondary road funds received by the state, shall be allotted among all the counties of the state in the ratio that the area of each county bears to the total area of the whole state.

4. Need allotment farm-to-market road funds shall be allotted among the counties in the ratio that the needs of the farm-to-market roads in each county bear to the total needs of the farm-to-market roads in the state for each fiscal year based upon the total needs of the farm-to-market roads in the state as shown in the latest quadrennial need study report developed by the state department of transportation, and which is on record at the department.

5. Notwithstanding subsections 1 through 4, in a fiscal year each county is guaranteed a hold harmless base year amount. The amount of farm-to-market road funds in each fiscal year in excess of the sum of the hold harmless base year amounts allocated to all counties shall be distributed proportionally based on the relative needs and area factors to only those counties entitled to receive more than the hold harmless base year amount.

For the purposes of this subsection:

a. "Base period" means the three-year period ending June 30, 1989.

b. "Local effort" means the ratio expressed as a percent of the total funds that the county transferred or provided during the base period pursuant to section 331.429, subsection 1, paragraphs "a", "b", "d", and "e", to the maximum funds the county could have transferred during the base period from the general fund of the county the dollar equivalent of a tax of sixteen and seven-eighths cents per thousand dollars of assessed value on all taxable property in the county and from the rural services fund of the county the dollar equivalent of a tax of three dollars and three-eighths cent per thousand dollars of assessed value on all taxable property not located within the corporate limits of a city in the county.

c. "Old formula amount" means the amount of moneys the county would receive if the apportionment to the county under this section was apportioned among the counties with the federal aid secondary road funds being apportioned by one hundred percent area allotment and the road use tax funds credited to the farm-to-market road fund apportioned to the counties with a sixty percent need allotment and forty percent area allotment.

d. (1) The "hold harmless base year amount" for a county for the fiscal year commencing July 1, 1990, is determined by the county's local effort in accordance with the following table:

<u>LOCAL EFFORT</u>		<u>COUNTY'S</u>	<u>HOLD HARMLESS BASE YEAR AMOUNT</u>
<u>At</u>	<u>but less</u>		
<u>least:</u>	<u>than:</u>		
<u>96%</u>	<u>unlimited</u>		<u>100% of old formula amount</u>
<u>92%</u>	<u>96%</u>		<u>96% of old formula amount</u>
<u>88%</u>	<u>92%</u>		<u>92% of old formula amount</u>
<u>84%</u>	<u>88%</u>		<u>88% of old formula amount</u>
<u>Less than 84%</u>			<u>\$0</u>

(2) The "hold harmless base year amount" for a county for the fiscal year commencing July 1, 1991, and for each succeeding fiscal year, is the product of the county's hold harmless base year amount in the immediately preceding fiscal year times the sum of one plus one-half of the estimated increase in the farm-to-market road fund moneys in the fiscal year expressed as a fraction. Prior to June 30 of each year the department shall prepare and deliver to the treasurer of state an estimate of the increase of the farm-to-market road fund moneys for the next fiscal year to be used in determining the hold harmless base year amount under this subsection.

*Sec. 33. NEW SECTION. 312.13 SPECIAL LEGAL COUNSEL.

There is appropriated annually an amount sufficient to retain independent legal counsel to defend the state against suits arising out of appropriations made from the road use tax fund. The appropriation shall be funded from use tax receipts under chapter 423 prior to deposit in the road use tax fund. Legal counsel shall be selected by agreement between the governor and the legislative council, after consultation with the attorney general.*

*Item veto; see message at end of the Act

Sec. 34. Section 313.2A, subsection 1, Code Supplement 1989, is amended to read as follows:

1. PURPOSE. It is the purpose of this section to enhance opportunities for the development and diversification of the state's economy through the identification and improvement of a network of commercial and industrial highways. The network shall consist of interconnected routes which provide long distance route continuity. The purpose of this highway network shall be to improve the flow of commerce; to make travel more convenient, safe, and efficient; and to better connect Iowa with regional, national, and international markets. The commission shall concentrate a major portion of its annual construction budget on this network of commercial and industrial highways. In order to ensure the greatest possible availability of funds for the improvement of the network, primary highway funds shall not be spent beyond continuing maintenance for improvements to route segments that will be bypassed by the relocation of portions of the commercial and industrial highway network except as provided in subsection 4.

Sec. 35. Section 313.2A, subsection 4, Code Supplement 1989, is amended by striking the subsection.

Sec. 36. Section 317.13, Code Supplement 1989, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. The program of weed control shall include a program of permits for the burning, mowing, or spraying of roadsides by private individuals. The county board of supervisors shall allow only that burning, mowing, or spraying of roadsides by private individuals that is consistent with the adopted integrated roadside vegetation management plan. This paragraph applies only to those roadside areas of a county which are included in an integrated roadside vegetation management plan.

Sec. 37. Section 321.211, unnumbered paragraph 2, Code Supplement 1989, is amended to read as follows:

There is appropriated each year from the road use tax fund to the department of transportation one hundred ~~twenty-five~~ sixty thousand dollars or as much thereof as is necessary to be used to pay the cost of notice and personal delivery of service, as necessary to meet the notice requirement of this section. The department shall adopt rules governing the payment of the cost of personal delivery of service. The reinstatement fees collected under section 321.191 shall be deposited in the road use tax fund in the manner provided in section 321.192, as reimbursement for the costs of notice under this section.

Sec. 38. Section 321A.3, subsection 1, Code Supplement 1989, is amended to read as follows:

1. The director shall upon request furnish any person a certified abstract of the operating record of a person subject to chapter 321, 321J, or this chapter. The abstract shall also fully designate the motor vehicles, if any, registered in the name of the person. If there is no record of a conviction of the person having violated any law relating to the operation of a motor vehicle or of any injury or damage caused by the person, the director shall so certify. A fee of five dollars shall be paid for each abstract except by state, county, city or court officials. The director shall transfer the moneys collected under this section to the treasurer of state who ~~shall credit annually to the abstract fee fund created under section 321A.3A the first one million three hundred fifty thousand dollars collected and shall credit to the general fund all additional moneys collected.~~

Sec. 39. Section 321L.2, subsection 3, unnumbered paragraph 2, Code Supplement 1989, is amended to read as follows:

A handicapped person who owns a motor vehicle for which the handicapped person has been issued radio operator registration plates under section 321.34, subsection 3, or registration plates as a seriously disabled veteran under section 321.105 may apply to the department for a handicapped identification sticker to be affixed to the plates. The handicapped identification stickers shall bear the international symbol of accessibility. The handicapped identification stickers shall be acquired by the department and sold at a cost not to exceed five dollars, to eligible handicapped persons upon application on forms prescribed by the department.

Sec. 40. NEW SECTION. 325.37 ADVERTISING BY MOTOR CARRIERS OF PROPERTY.

Any advertising of available service provided by a motor carrier of property shall contain or display the number of the certificate issued by the department pursuant to this chapter.

Sec. 41. Section 331.660, Code 1989, is amended to read as follows:
331.660 APPROPRIATION — INDIAN SETTLEMENT OFFICER.

There is appropriated annually from the general fund of the state to the county of Tama the sum of ~~three thousand three hundred sixty-five~~ twenty-five thousand dollars to be used by the county only for the payment of the salary and expenses of an additional deputy sheriff for the county. The principal duty of the deputy sheriff is to provide law enforcement on the Sac and Fox Indian settlement in the county of Tama. If possible, the deputy sheriff shall reside on the settlement. Additional funds necessary to pay the salary and expenses of the deputy sheriff shall be paid by the county of Tama. The state shall not be held liable for the performance or nonperformance of law enforcement duties pursuant to this section.

Sec. 42. Section 455G.9, subsection 1, paragraph a, subparagraph (1), unnumbered paragraph 2, Code Supplement 1989, as amended by 1990 Iowa Acts, House File 2552,* is amended to read as follows:

Total payments for claims pursuant to this subparagraph are limited to no more than ~~six~~ eight million dollars. Claims for eligible retroactive releases shall be prorated if claims filed in a permitted application period or for a particular priority class of applicants exceed ~~six~~ eight million dollars or the then remaining balance of ~~six~~ eight million dollars. If claims remain partially or totally unpaid after total payments equal ~~six~~ eight million dollars, all remaining claims are void, and no entitlement exists for further payment.

Sec. 43. Section 455G.9, subsection 1, paragraph a, Code Supplement 1989, as amended by 1990 Iowa Acts, House File 2552,* is amended by inserting the following new subparagraph:

NEW SUBPARAGRAPH. (3) Corrective action for an eligible release reported to the department of natural resources on or after January 1, 1985, but prior to July 1, 1987. Third-party liability is specifically excluded from remedial account coverage. For a claim for a release under this subparagraph, the remedial program shall pay no more than the lesser of twenty-five thousand dollars or one-third of the total costs of corrective action for that release, subsection 4 notwithstanding. For a release to be eligible for coverage under this subparagraph the following conditions must be satisfied:

(a) The owner or operator applying for coverage must be currently engaged in the business for which the tank connected with the release was used prior to the report of the release.

(b) The owner or operator applying for coverage shall not be a person who is maintaining, or has maintained, proof of financial responsibility for federal regulations through self-insurance.

(c) The owner or operator applying for coverage shall not have claimed bankruptcy any time on or after January 1, 1985.

(d) The claim for coverage pursuant to this subparagraph must have been filed with the board prior to September 1, 1990.

(e) The owner or operator at the time the release was reported to the department of natural resources must have been in compliance with then current monitoring requirements, if any, or must have been in the process of compliance efforts with anticipated requirements, including installation of monitoring devices, a new tank, tank improvements or retrofit, or any combination.

Sec. 44. 1990 Iowa Acts, House File 2552,* section 43, is amended to read as follows:
SEC. 43.

Provided that amounts reserved for the retroactive portion of the remedial account claims pursuant to section 455G.9, subsection 1, paragraph "a", subparagraph (1), do not exceed ~~six~~ eight million dollars, the administrator shall from the effective date of this Act, through September 1, 1990, reopen applications previously received but denied based upon section 455G.9,

*Chapter 1235 herein

subsection 1, paragraph "a", subparagraph (1), subparagraph subdivision (a), Code Supplement 1989, which subparagraph subdivision is repealed by this Act, and may accept new applications under section 455G.9, subsection 1, paragraph "a", subparagraph (1) for that period. If claims reopened or received exceed the remaining balance of unobligated or unreserved funds of the six eight million dollars, the remaining balance shall be prorated among the reopened and newly received claims. If claims remain partially or totally unpaid after total payments under the retroactive portion of the remedial account exceed six million dollars, all remaining claims are void, and no entitlement exists for further payment. If claims paid pursuant to this section do not exceed the remaining balance of unobligated or unreserved funds of the six million dollars, the remaining balance shall be distributed among the claims accepted for payment which were submitted on or before January 31, 1990, by increasing the allowable percentage of payment contained in section 455G.9, subsection 1, paragraph "a", subparagraph (1) by an amount necessary to reduce the remaining balance of the six million dollars allocated for retroactive claims to zero distributed according to the following priority:

1. Claims reopened or submitted pursuant to section 455G.9, subsection 1, paragraph "a", subparagraph (1), first; provided, however, that payments pursuant to this subsection shall not exceed one million two hundred thousand dollars.

2. Claims submitted pursuant to section 455G.9, subsection 1, paragraph "a", subparagraph (3), second, on a first-come-first-served basis.

3. Claims submitted pursuant to section 455G.9, subsection 1, paragraph "a", subparagraph (3), not previously accepted for payment or paid because the claim was ineligible solely on the basis of section 455G.9, subsection 1, paragraph "a", subparagraph (3), subparagraph subdivision (a), third.

4. If claims paid pursuant to subsections 1, 2, and 3 do not exceed the remaining balance of unobligated or unreserved funds of the eight million dollars, the remaining balance shall be distributed among the claims accepted for payment which were submitted on or before January 31, 1990, by increasing the allowable percentage of payment contained in section 455G.9, subsection 1, paragraph "a", subparagraph (1) by an amount necessary to reduce the remaining balance of the eight million dollars allocated for retroactive claims to zero.

If claims remain partially or totally unpaid after total payments under the retroactive portion of the remedial account equal eight million dollars, all remaining claims are void, and no entitlement exists for further payment.

Sec. 45. Section 321A.3A, Code Supplement 1989, is repealed.

Sec. 46.

Sections 23, 42, 43, and 44 of this Act, being deemed of immediate importance, take effect upon enactment.

Approved May 7, 1990, except the items which I hereby disapprove and which are designated as section 1, subsection 2 in its entirety; section 3, subsection 3, paragraph b in its entirety; section 3, subsection 7 in its entirety; section 6, subsection 2 in its entirety; section 6, subsection 7 in its entirety; section 8, unnumbered and unlettered paragraph 3 in its entirety; section 15, subsection 2 in its entirety; section 16 in its entirety; section 17 in its entirety; section 21 in its entirety; section 22 in its entirety and section 33 in its entirety. My reasons for vetoing these items are delineated in the item veto message pertaining to this Act to the secretary of state this same date, a copy of which is attached hereto.

TERRY E. BRANSTAD, Governor

Dear Madam Secretary:

I hereby transmit Senate File 2402, an Act relating to and making appropriations to state agencies whose responsibilities relate to public defense, public safety, transportation, and enforcement, and including allocation and use of moneys from the road use tax fund, primary road fund, and state aviation fund, mandating reports of certain agency purchases, providing expenses for certain members of the Iowa highway research board, providing for certain payments from the remedial account of the Iowa comprehensive petroleum underground storage tank fund, and providing an effective date.

Senate File 2402 is, therefore, approved on this date with the following exceptions which I hereby disapprove.

I am unable to approve the item designated as Section 1, subsection 2, in its entirety. This item calls for an appropriation of \$12,000 for replacement of sanitary and maintenance equipment for the Iowa Law Enforcement Academy. Given the fiscal constraints of the 1991 budget, I am unable to approve this item.

I am unable to approve the item designated as Section 3, subsection 3, paragraph b, in its entirety. This item would appropriate \$75,000 to the Department of Public Safety for the purchase of DNA laboratory equipment. I recommended an appropriation of \$250,000 for the purchase of laboratory equipment and the remodeling of facilities to accommodate this equipment. The remodeling must precede the purchase of equipment. Since this portion of Senate File 2402 has the "cart before the horse", I must disapprove of it. I will work with the legislature to accomplish remodeling prior to a fiscal year 1992 appropriation for the equipment.

I am unable to approve the item designated as Section 3, subsection 7, in its entirety. This item calls for funding the Department of Public Safety's administrative functions to implement the accreditation for law enforcement agencies with an appropriation of \$25,000, which is only a minor portion of the funding necessary to complete the accreditation process. The department is in the process of determining the benefits of accreditation and the total cost of implementation.

I am unable to approve the item designated as Section 6, subsection 2, in its entirety, which calls for the lease purchase of a building and equipment related to vehicle theft operations with an appropriation of \$350,000. While the Department of Public Safety is interested in new housing for this operation, it is in the process of examining the long term housing needs of the entire department and it would be unwise to enter into such an agreement at this time.

I am unable to approve the item designated as Section 6, subsection 7, in its entirety, which calls for the planning and site selection of a new Highway Patrol Post at Fort Dodge at a cost of \$25,000. The department is in the process of developing a priority rating system for post improvements and it is now inappropriate to approve planning money for any specific location.

I am unable to approve the item designated as Section 8, unnumbered paragraph 3, in its entirety. This section unnecessarily limits the utilization of unspent balances for other areas of potential need.

I am unable to approve the item designated as Section 15, subsection 2, in its entirety. This item would require a total expenditure of \$250,000 for terminal improvement or construction, marketing, advertising or public relations programs and cultural programs to increase passenger traffic at five airports. The predesignation of recipients of funds by the legislature, as indicated, would be counterproductive to the sound programming of capital improvements. Decisions of this nature are better left to the Transportation Commission.

I am unable to approve the item designated as Section 16, in its entirety. This section appropriates \$175,000 from the Parks and Institutional Roads fund for the completion of North Shore

Drive in Clear Lake. Lottery funds were appropriated last year for a similar project in neighboring Ventura but this use of Road Use Tax Funds appear illegal. While this road borders a state park, it is not wholly within the boundaries of the park as required in Iowa Code Section 306.1, subsection 2, paragraph k.

I am unable to approve the item designated as Section 17, in its entirety. This section would unnecessarily limit the transfer of appropriations between programs or functions. While I do not anticipate the need for such transfers, this section could seriously infringe upon the executive branch's ability to manage the department.

I am unable to approve the item designated as Section 21, in its entirety. This item requires the Department of Transportation to post "keep right except to pass" signs on uphill traffic lanes. This would be a departure from the nationally accepted standards recommended by the Federal Highway Administration. Additionally, requiring vehicles to change lanes unnecessarily creates the opportunity for accidents and during winter months the left-hand lanes are plowed and sanded first.

I am unable to approve the item designated as Section 22, in its entirety. It is unnecessary to put into law a requirement to have the state of Iowa, in conjunction with other states, initiate a lawsuit against the United States Department of Transportation. The executive branch should weigh the merits of such an action before proceeding.

I am unable to approve the item designated as Section 33, in its entirety. This section creates a standing unlimited appropriation from the Use Tax receipts to retain independent legal counsel to defend the state against suits arising out of appropriations made from the Road Use Tax Fund. The Attorney General is required to defend the state on issues of this nature. Therefore, the retention of independent legal counsel is both expensive and unnecessary.

For the above reasons, I hereby respectfully disapprove these items in accordance with Amendment IV of the Amendments of 1968 to the Constitution of the State of Iowa. All other items in Senate File 2402 are hereby approved as of this date.

Sincerely,
TERRY E. BRANSTAD, *Governor*

CHAPTER 1268

**CORRECTIONS, COURTS, AND JUSTICE DEPARTMENT
APPROPRIATIONS AND PROVISIONS
S.F. 2408**

AN ACT relating to and making appropriations to the justice system and providing effective dates.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1.

There is appropriated from the general fund of the state to the department of justice for the fiscal year beginning July 1, 1990, and ending June 30, 1991, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. For the general office of attorney general for salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	4,705,733
.....	FTEs	166.00